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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000054

SIPDIS

DEPARTMENT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [SU](#)

SUBJECT: KHARTOUM REGIME PLANS FOR ICC COUNTER-STRATEGY

REF: A. KHARTOUM 44

[1](#)B. KHARTOUM 15

[1](#)C. KHARTOUM 7

Classified By: CDA Alberto M. Fernandez for reasons 1.4 (b) and (d).

[1](#)1. (C) Sudanese FM Deng Alor briefed CDA Fernandez on January 16 on the latest thinking within the National Congress Party (NCP) of President Al-Bashir on how the NCP hopes to weather and counteract the destabilizing effects of an ICC arrest warrant of President Al-Bashir. Alor had met with VP Ali Osman Taha the evening of January 15 to ask for the SPLM to play a role in convincing the West to give the regime more time to improve the situation in Darfur and fulfill other international requirements before the hammer of an ICC decision drops on the regime.

[1](#)2. (C) Taha told Alor that the NCP that "for now, there cannot be a changing of the guard at the top." There is no consensus as to who would replace Bashir and Sudanese Armed Forces (SAF) is strongly committed as an institution to a general ruling Sudan. "We have Islamists in the military, but we discovered that their first loyalty is to the army." Taha noted that former Pakistan President Pervez Musharraf was finished once he took off the uniform and became a civilian. Inside Sudan, the civilian Islamists will wait for the ICC announcement, see what difficulties Bashir faces, let the new reality sink in with the military and then if Bashir gradually weakens, evaluate the situation.

[1](#)3. (C) Taha told Alor that the NCP now realizes that it needs the SPLM as a go-between with skeptical Western powers, "we can't do anything without the SPLM on this ICC matter." Taha pleaded for a united internal front against the ICC. Alor told CDA that he will brief Salva Kiir in Juba on January 18 in Juba and discuss a possible SPLM trip to Washington in late February/early March, with the appropriate level to be determined later, to consult with the Obama Administration. Taha added that the regime is working with the Chinese and Russians to rally support at the UN Security Council to try to round up a majority of the votes on the council committed to an Article 16 deferment. the Chinese were focusing on African and Asian countries like Burkina Faso and Vietnam. Alor noted that the Chinese had suggested that Bashir visit Uganda to try to sway President Museveni, "a ridiculous attempt given the NCP's support for the LRA."

[1](#)4. (C) Alor also expected a big Sudanese push at next week's African Summit in Addis Ababa to rally African support for an Article 16 deferment. Taha also told Alor that the NCP intends to rally public opinion inside Sudan, promote mass demonstrations and that it will crack down on any opposition figures who voice support for the ICC (as it has already done with DUP leader Ali Mahmud Hassanein and PCP leader Hassan al-Turabi). The NCP intends to scrupulously protect the UN (both UNAMID and UNMIS) and Western Embassies. "We will

behave responsibly," Taha noted, "but we can't control everyone and everything." CDA Fernandez wryly noted that the regime is playing a dangerous game if it whips up populist anger and hysteria and then thinks it can control it. Alor responded that the Chinese had told Taha the same thing, that Sudan's response to the ICC could make a deferment harder or easier. Taha said that Sudan does not want to move precipitously for an Article 16 vote that would be vetoed by the United States. CDA said that nothing has changed in the American position since last September when Secretary Rice warned Taha of a possible American veto, "although there is good cooperation on UNAMID deployment with Sudan right now, the situation in Darfur hasn't really improve much, if anything." CDA suggested that if the SPLM intends to be helpful to the NCP, "you should sell your services dearly," by demanding early, accelerated improvement in both Darfur and the CPA.

15. (C) Comment; VP Taha's outline of planned NCP countermeasures against the ICC and the state of play on Bashir succession tracks with recent Embassy reporting (reftels). Although there seems to be much plotting and scheming, the regime faces a basic problem which is its inability to deliver to date a qualitatively improved situation in Darfur that would make the case with the P-3. Certainly UNAMID deployment is much improved since the September Taha-Rice meeting. Deliberate obstruction of humanitarian access (or regime harassment of NGOs) has ebbed somewhat but the adversarial relationship has not really changed. CPA implementation is inching forward, but very slowly. And political progress on peace in Darfur seems spotty at best with the regime still focused on SPI and the

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Qataris and perhaps luring JEM (the most aggressive Darfuri rebel group and the one most like the NCP) to the negotiating table - not yet on boldly solving the root causes of the crisis in Darfur. Considering the essential nature of the NCP, it is probably on its best behavior, but it isn't (yet) good enough by a long shot. End comment.
FERNANDEZ